

Appl No. 09/812,089
Reply to Office action of November 23, 2005

BEST AVAILABLE COPY

REMARKS/ARGUMENTS

The applicant would like to acknowledge, with thanks, the Office Action of November 23, 2005. This Amendment and Response to Office Action is in response to the aforementioned Office Action. Claims 1-18 stand rejected, claims 1-10 and 12-18 remain pending. If there are any other fees necessitated by this communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/10436.

Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1, 3-8, 10, 11, 15, 16 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,914,668 to Chavez, Jr., et al. (*hereinafter* Chavez). Claims 2, 9, 12-14 and 17 stand rejected as being obvious based on Chavez. In rejecting claims 2, 9 and 17, the examiner has taken Official Notice that the advantages of using the 802.11 protocol for wireless signals are well known and that the standard has the ability to use freely-available, unlicensed spectrum, including the Industrial, Scientific and Medical (ISM) band. In rejecting claims 12-14, the examiner has taken Official Notice that the concept of using a WEP key for wireless signals is well known in the art and it would have been obvious to include a WEP key in Chavez.

Independent claims 1, 7 and 15 as now amended recite a method (or apparatus for) obtaining a data indicative of a predetermined parameter for a wireless signal and to evaluate and evaluating the predetermined parameter. Claims 1, 7 and 16 (dependent from 15) further recite displaying the evaluated predetermined parameter. The predetermined parameter is selected from a group consisting of data rate, channel bandwidth, signal direction, number of packets transmitted and number of packet errors.

By contrast, Chavez only discloses that the wireless terminal can display the base station and the signal strength from the base station (see for example Fig. 15). Column 5, lines 27-46; see also Fig. 11. An aspect of Chavez is that it does allow a user to enter a numerical value for noise (packets per second) and will mute if the device if the number of packets corrupted exceeds the numerical value. However, nothing in Chavez discloses the measurement data of the number of packet errors is displayed as recited in claims 1, 7 and 15. For observing signal parameters, Chavez discloses:

Appl No. 09/312,089
Reply to Office action of November 23, 2005

BEST AVAILABLE COPY

The user can also utilize wireless terminal 106 to determine the signal strength received by wireless terminal 106 of any base station. This capability is used by maintenance personnel when the system is first being installed and also to determine later problems. This capability is accomplished by the user activating expert mode button 209 while the display is that illustrated in FIG. 2. The user then uses cursor control 203 and enter button 211 to select location 604 of FIG. 6. The user then enters the wireless switching system identification information of the desired base station using keypad 204 and activates enter button 211. Wireless terminal 106 then measures the signal strength of the designated base station and displays this in the underlined portion of location 606 in highlighted form. The user can repeat the operation for the same base station simply by reactivating enter button 211. To select a new base station, the user re-highlights location 604 and activates enter button 211. When the user has measured the signal strength of all of the desired base stations, the user selects done 607 and is returned to the display illustrated in FIG. 2.

(Chavez, col. 5, lines 27-46). Thus, Chavez only teaches evaluating and displaying signal strength; nothing in Chavez discloses evaluating and displaying one of the group consisting of data rate, channel bandwidth, signal direction, number of packets transmitted and number of packet errors.

Moreover, claims 2-6 and 12, 8-10, and 13-14 and 16-18 are dependent from independent claims 1, 7 and 15 respectively, therefore containing each and every element of independent claims 1, 7 and 15 respectively. Therefore, for the reasons already set forth for claims 1, 7 and 15; claims 2-6 and 12, 8-11 and 13, and 13-14 and 16-18 are also not anticipated by Chavez.

In addition to the reasons set forth above, claims 6, 10, 18 recite that the predetermined parameter is Wired Equivalent Privacy (WEP) status and claims 12,13 recite receiving a WEP key and determining the WEP status based on the WEP key. The examiner did take Official Notice that the concept of using WEP is well known in the art. However, applicant is reciting that the WEP status is evaluated and displayed (and in the case of claims 12 & 13 responsive to a key that was received), not just being used.

CONCLUSION

For the reasons just set forth, the claims as now pending are patentable over the cited prior art and should be in condition for allowance and a notice of allowance is respectfully

Appl No. 09/812,089
Reply to Office action of November 23, 2005

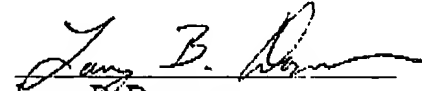
BEST AVAILABLE COPY

requested. If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/10436.

Respectfully submitted,

TUCKER ELLIS & WEST

Date: February 15, 2006



Larry B. Donovan

Registration No. 47,230

1150 Huntington Building

925 Euclid Avenue

Cleveland, Ohio 44115-1475

Customer No. 23380

(216) 696-3864 (phone)

(216) 592-5009 (fax)